

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98-579)**

In re the Application of:)	
)	
Grabelsky et al.)	Examiner Soon D Hyun
)	
Serial No. 09/252,840)	Group Art Unit 2663
)	
Filed: February 19, 1999)	
)	
Title: Method and System for Monitoring)	
and Management of the Performance)	
of Real-Time Networks)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

We, David A. Grabelsky, Guido M. Schuster, Ikhlmaq S. Sidhu, and Jacek A. Grabiec,
declare:

1. We are the original and joint inventors of the subject matter in U.S. Patent App.
Serial No. 09/252,840, filed on February 19, 1999, and titled "Method and System for
Monitoring and Management of the Performance of Real-Time Networks."

2. The invention disclosed in our patent application was conceived cooperatively by
David A. Grabelsky, Guido M. Schuster, Ikhlmaq S. Sidhu and Jacek A. Grabiec at least as early
as October 27, 1998. This date is prior to the 102(e) effective date of U.S. Patent No. 6,421,720
("Fitzgerald"), which was filed on October 28, 1998 and cited by the Examiner during
prosecution of our application.

3. Exhibit A accompanies this declaration and includes photocopies of a 3COM Invention Disclosure Form that establishes the conception of our invention. Although the dates have been redacted from Exhibit A, they are at least as early as October 27, 1998.

4. The invention was reduced to practice at least as early as February 19, 1999, the filing date of this application. We were diligent in reducing our invention to practice from a time just prior to October 28, 1998 until February 19, 1999. This diligence included submitted the Invention Disclosure Form of Exhibit A to 3Com's patent department and then working with the outside counsel assigned to this case in order to prepare and file this patent application. The conception and reduction to practice occurred in the United States.

5. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 14 November, 2003

Signed: David A. Grabelsky
David A. Grabelsky

Date: _____

Signed: _____
Guido M. Schuster

Date: _____

Signed: _____
Ikhlaq S. Sidhu

Date: _____

Signed: _____
Jacek A. Grabiec

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(Case No. 98-579)

In re the Application of:

Grabelsky et al.

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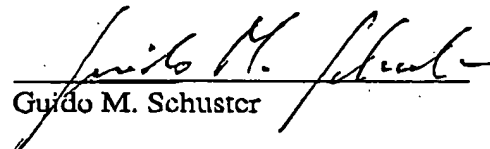
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Date: _____

Signed: _____
David A. Grabelsky

Date: 11/25/2003

Signed: 
Guido M. Schuster

Date: _____

Signed: _____
Ikhlaz S. Sidhu

Date: _____

Signed: _____
Jack A. Grabiec

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Date: _____

Signed: _____
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Date: _____

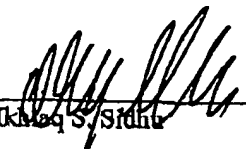
Signed: _____
Guido M. Schuster

BEST AVAILABLE COPY

Application Serial No. 09/252,840

Declaration Pursuant to 37 C.F.R. 1.131

Date: _____

Signed:  _____
Jacek A. Grabiec

Date: _____

Signed: _____
Jacek A. Grabiec

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Date: _____

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David A. Grabelsky

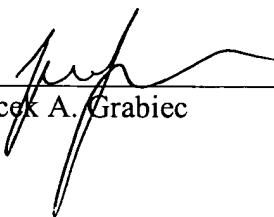
Date: _____

Signed: _____
Guido M. Schuster

Date: _____

Signed: _____
Ikhlaq S. Sidhu

Date: 11/21/2003

Signed:  _____
Jacek A. Grabiec

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND SYSTEM FOR MONITORING AND
MANAGEMENT OF THE PERFORMANCE OF REAL-TIME NETWORKS**

the specification of which is attached hereto unless the following space is checked:

☐ was filed on _____ as United States Application Serial Number _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.		
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.			
2.			

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Denis A. Berntsen	Reg. No. 26707	Roger P. Zimmerman	Reg. No. 38670
John J. McDonnell	Reg. No. 26949	Anthoula Pomrening (agent)	Reg. No. 38805
Daniel A. Boehnen	Reg. No. 28399	George I. Lee	Reg. No. 39269
Bradley J. Hulbert	Reg. No. 30130	James M. McCarthy	Reg. No. 39296
Paul H. Berghoff	Reg. No. 30243	Jeremy Noe (agent)	Reg. No. 40104
Grantland G. Drutchas	Reg. No. 32565	Sean M. Sullivan	Reg. No. 40191
Steven J. Sarussi	Reg. No. 32784	Audrey L. Bartnicki	Reg. No. 40499
David M. Frischkorn	Reg. No. 32833	Amir N. Penn	Reg. No. 40767
James C. Gumina	Reg. No. 32898	Patrick J. Halloran (agent)	Reg. No. 41053
A. Blair Hughes	Reg. No. 32901	Joshua R. Rich	Reg. No. 41269
Thomas A. Fairhall	Reg. No. 34591	Thomas E. Wettermann	Reg. No. 41523
Emily Miao	Reg. No. 35285	Robert J. Irvine	Reg. No. 41865
Kevin E. Noonan	Reg. No. 35303	Richard A. Machonkin	Reg. No. 41962
Leif R. Sigmund, Jr.	Reg. No. 35680	David S. Harper	Reg. No. 42636
Lawrence H. Aaronson	Reg. No. 35818	Christopher D. Agnew (agent)	Reg. No. P43464
Matthew J. Sampson	Reg. No. 35999	Stephen Lesavich	Reg. No. P43749
Curt J. Whitenack	Reg. No. 36054	Enrique Perez	Reg. No. P43853
Christopher M. Cavan	Reg. No. 36475	Marcus J. Thymian	Reg. No. P43954
Michael S. Greenfield	Reg. No. 37142	Emanuel J. Vacchiano (agent)	Reg. No. P43964

Address all telephone calls to George I. Lee at (312) 913-0001.

Address all correspondence to MCDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606 USA.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David A. Grabelsky

Inventor's signature: *David A. Grabelsky*
Residence: 3800 Lee Street, Skokie, Illinois 60076
Citizenship: United States of America
Post Office Address: 3800 Lee Street, Skokie, Illinois 60076

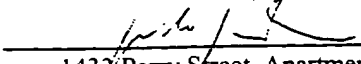
Date: Feb 17, 1999

Full name of second joint inventor: Ikhlaq S. Sidhu

Inventor's signature: *Ikhlaq S. Sidhu*
Residence: 403 River Grove Lane, Vernon Hills, Illinois 60061
Citizenship: United States of America
Post Office Address: 403 River Grove Lane, Vernon Hills, Illinois 60061

Date: Feb 17, 1999

Full name of third joint inventor: Guido M. Schuster

Inventor's signature: 

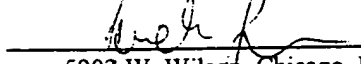
Date: 17 Feb. 99

Residence: 1433 Perry Street, Apartment 408, Des Plaines, Illinois 60016

Citizenship: Switzerland

Post Office Address: 1433 Perry Street, Apartment 408, Des Plaines, Illinois 60016

Full name of fourth joint inventor: Jacek A. Grabiec

Inventor's signature: 

Date: 17 February 1999

Residence: 5903 W. Wilson, Chicago, Illinois 60630

Citizenship: Poland

Post Office Address: 5903 W. Wilson, Chicago, Illinois 60630